

# **PROTECTIVE PAYEE HANDBOOK**

**Department of Social and Health Services  
Division of Employment and Assistance Programs**



# Table of Contents

Click on title to go directly to that section

Section	Title and Chapter	Page
	<b>Chapter 1</b>	
	<b>Introduction</b>	
1.1	<a href="#">Who is a Protective Payee?</a>	2
1.2	<a href="#">When is a Protective Payee assigned?</a>	2
	<b>Chapter 2</b>	
	<b>Roles and Responsibilities</b>	
2.1	<a href="#">How do I account for individual's cash benefits?</a>	3
2.2	<a href="#">What records must I keep?</a>	5
2.3	<a href="#">What do I do with individual mail?</a>	6
2.4	<a href="#">What should I do if I lose contact with the individual?</a>	7
2.5	<a href="#">What should I do if a case is closed and there are still funds remaining in the individual's account?</a>	7
2.6	<a href="#">What information do I report to DSHS?</a>	7
2.7	<a href="#">How am I to treat individuals assigned to me?</a>	8
2.8	<a href="#">Where can I meet with individuals?</a>	8
2.9	<a href="#">What hours must I keep?</a>	9
2.10	<a href="#">What happens when I go on vacation or temporarily unable to do the job?</a>	9
2.11	<a href="#">When are Criminal Background checks done?</a>	9
	<b>Chapter 3</b>	
	<b>Working With Individuals</b>	
3.1	<a href="#">How are individuals referred to me?</a>	10
3.2	<a href="#">What payments do I make and what activities should I do?</a>	11
3.3	<a href="#">What types of Referrals will I get?</a>	11
		13
3.4	<a href="#">What do I teach in money management training?</a>	15
	<b>Chapter 4</b>	
	<b>DSHS Monitoring</b>	
4.1	<a href="#">Is my contract monitored by DSHS?</a>	16
	<b>Chapter 5</b>	
	<b>Glossary, Forms and WAC</b>	
5.1	<a href="#">Glossary</a>	17
5.2	<a href="#">Forms</a>	19
5.3	<a href="#">WAC</a>	20

# **Chapter 1**

## **Introduction**

### **Section 1.1**

#### **Who is a Protective Payee?**

A protective payee is a person or an employee of an agency who manages individuals' cash benefits to provide for basic needs - housing, utilities, clothing, child care, and food. They may also provide services such as training individuals how to manage money.

### **Section 1.2**

#### **When is a Protective Payee assigned?**

- a) Individuals are assigned to protective payees for the following reasons:
  - i) Mismanagement of money (TANF/SFA, ADATSA, General Assistance, or Working Connections Child Care);
  - ii) Pregnant or parenting minor; or
  - iii) Emergency or temporary situations where a child is left without a caretaker (TANF/SFA)

# **Chapter 2**

## **Roles and Responsibilities**

### **Section 2.1**

#### **How do I account for an individual's cash benefits?**

As a Protective Payee, you are responsible to:

- a) Open and maintain a single non-interest-bearing checking account for your DSHS caseload.
  - i) You may use up to \$1,000 of your own money (seed money) if needed to open the account and to cover various bank charges. To prevent electronic transfers from your account and prevent fraudulent use of the account, you may want to have a block put on the account.
  - ii) Only the individual's DSHS cash benefits and your "seed" money can be deposited and disbursed from the bank account under your DSHS protective payee contract. If you are also a Payee for the Social Security Administration (SSA) your SSA funds must be maintained in an entirely separate account. When individuals receive funds from both Social Security Administration (SSA) and the department, you cannot deposit the SSA funds into the DSHS Protective Payee account.
  - iii) Perform a reconciliation of the bank account each month. This monthly reconciliation must be available for review during twice-yearly monitoring visits. The elements necessary to perform a reconciliation, whether it is done manually or electronically, at a minimum must include:
    - (1) Account balance from the bank statement is compared to the account balance in the check register;
    - (2) Checks that have not yet cleared the bank are to be subtracted from the check register balance;
    - (3) Any bank fees need to be subtracted from the check register balance;
    - (4) Deposits made after the bank's cutoff date on the statement are to be added to the bank's balance;
    - (5) The revised bank balance should match the revised check register

balance: and,  
(6) Resolve and document any discrepancies if the two balances do not match.

- iv) Ensure you do not have a debit or credit card attached to this account.
- b) Maintain separate ledgers to record the receipt and disbursement of each individual's funds, as follows:
  - i) Use the DSHS 1-110 or the DSHS 1-110C or another document that contains all of the information on these forms:
  - ii) Reconcile the DSHS 1-110 and DSHS 1-110C or equivalents from one month to the next month: and,
  - iii) Reconcile the DSHS 1-110 and DSHS 1-110C or equivalents with the bank register or electronic ledger.
- c) Ensure individual's funds are disbursed according to the Protective Payee Plan. These funds are not used to pay the cost of operating your business such as bank charges, checks, postage, printing, or telephone services, which are your sole responsibility.
- d) Each DSHS 1-110, DSHS 1-110C, or equivalent must balance to zero at the end of every month unless the Protective Payee Plan states that it is permissible to carry over funds at the end of the month. If there is a balance greater than zero, the reason must be documented in the individual's file. Each Protective Payee Plan must state how to disperse the funds.

**Notify the CSO if the plan is not complete or you do not receive the plan and document in the case file.**

- i) Ensure the individual's rent/mortgage and utility payments are paid on time to avoid late charges. You must pay late charges caused by you from your own funds.

Utilities include only the following:

- a. Basic phone—no cellular service unless it is a safety issue or it is the only phone, long distance or extra services unless there is a health, safety, or remoteness issue and should be in the payment plan,
- b. Natural or propane gas,

- c. Heating oil,
  - d. Electricity,
  - e. Water,
  - f. Garbage
  - g. Sewer, or
  - h. Firewood for heating.
- e) Handle on a case-by-case basis, the obligation of who will pay the “stop payment” charge on checks, as follows:
- i) You are responsible for the charges if you mailed or gave a check to a landlord or any other vendor.
  - ii) The individual is responsible to pay the “stop payment” costs if they are given a check to pay a bill and later report it was lost or stolen. If this happens more than once, you should use another way of delivery for paying vendor bills for these individuals.
  - iii) You may allow the individual to pay the “stop payment” in order to reissue the check promptly or make the individual wait ten days for a check to clear before another is check is written.
- f) **Never advance or loan money to individuals.** If you overpay the individual, this is considered an advance. If the individual reports that there is an emergency, you must refer the individual to the CSO to see if other funds are available to cover emergency needs.
- g) Never write checks at the individual’s request for other bills not contained in the Protective Payee Plan. One time changes must be pre-approved by the Community Services Office (does not require an updated plan)

If you are unable to meet any of the above requirements, you must report the issue to DSHS within one business day.

## Section 2.2

### What records must I keep?

The following records are kept in a secure location and available for review during a monitoring visit:

- a) Protective Payee Assessment (DSHS 14-349) and the Protective Payee Payment Plan, Case Assignment, And Closure Notice (DSHS 14-426) for each individual;
- b) Money management training plan (see section 3.5);
- c) All business financial records, such as the Transmittal of Individual Funds from the Protective Payee (DSHS 01-210), bank statements, monthly reconciliation records, check register, cancelled checks, or copies of checks, and voided checks;
- d) Protective Payee Report (DSHS 01-110) and Report Continuation (DSHS 01-110C) or its equivalent for each individual;
- e) Protective Payee Periodic Social Services Report (DSHS 01-110A) only for mismanagement of funds individuals. The initial is due at the end of three months and then every six months thereafter (see section 2.6);
- f) Any pertinent information regarding individual's activity such as individual contact dates, when a check is given to individual, money management training, and any issues you discuss with the individual. You must document this information in eJAS (preferred method) or store this information in a hard copy version; and,

## Section 2.3

### What do I do with individual's mail?

When you receive an individual's mail, please handle it as follows:

**All client mail except Medical ID Cards (MAIDS) can be destroyed upon receipt by burning or shredding.**

If you receive a Medical ID Card (MAIDS), give or mail it to the individual as close to the first of the month as possible. If you receive notice that the case is closed, destroy the MAIDS by burning or shredding.

You should not receive an individual's personal mail unless you have agreed to receive it as a courtesy to him/her.

## Section 2.4

### **What should I do if I lose contact with the individual?**

If you do not hear from an individual, within the first fifteen days of a month, check the individual's status in eJAS or contact the CSO and close the account unless instructed otherwise by the CSO.

## Section 2.5

### **What should I do if a case is closed and there are still funds remaining in the individual's account?**

Within sixty days of a case closing, mail the remainder of the individual's funds with the Transmittal of Individual Funds from the Protective Payee (DSHS 01-210) form to the address below. Keep a copy of the DSHS 01-210 form for your records and send a copy to the CSO. The check is to be made out to "DSHS".

**This applies even if there are outstanding checks on this account.** You may pay the stop payment costs from the client's funds. Note this action on the DSHS 01-110 or DSHS 110C for each individual and with the check number.

Department of Social and Health Services  
Office of Accounting Services  
PO Box 9501  
Olympia, Washington 98507-9501

**Note: If an outstanding check is cashed on a closed case after the money has been returned, contact the CSO for reimbursement of that check from the funds returned to OAS.**

## Section 2.6

### **What information do I report to DSHS?**

Three months following the referral for mismanagement of funds, you must complete the initial Protective Payee Periodic Social Services Report DSHS 01-110A and submit it to the local CSO. The DSHS 01-110A form is required every six months after the initial report. This form is required only for individuals referred for mismanagement of funds and does not include the Minor Parent cases. The Protective Payee Periodic Social Services Report provides a summary



of social services information about the individual, and contains recommendations for additional services you believe are needed, as well as information on whether you feel the individual is ready to resume management of his or her own funds.

Inform the case manager if the individual tells you that they have moved or are moving

## **Section 2.7**

### **How am I to treat individuals assigned to me?**

The department requires you to act in a professional manner. You are not required to provide services to individuals who appear intoxicated, belligerent, or threatening.

Individuals are often extremely unhappy to be assigned to a Protective Payee. The first meeting or two with an individual may be quite tense but in most cases a working relationship develops. If this does not happen, you may request DSHS to assign another Protective Payee to the individual.

## **Section 2.8**

### **Where can I meet with individuals?**

You must establish a safe, convenient place to meet the individuals such as a meeting room, library, community center, or local church. You are not required to have an office. You must meet with each individual at least once per month whenever possible to provide them with any funds they are due and to discuss their budget and expenditures (There must be documentation on why the monthly meeting could not happen). If the individual refuses, is unable, or does not come in, you need to document this in the individual's case record or in eJAS notes. Additional time may be needed if the Protective Payee Plan includes money management training.

**Note:** When in the CSO on Protective Payee business, you must clearly show that you are a contracted vendor by wearing a visitor badge and a badge showing your company/organization's name.

## **Section 2.9**

### **What hours must I keep?**

You must keep regular office hours or arrange appointment times that meet the needs of those in your caseload and yourself.

You must have a message service, answering machine, or other message capability available between 8:00 AM to 5:00 PM, Monday through Friday, except for state holidays. You must respond to telephone messages within 24 hours or the next working day.

## **Section 2.10**

### **What happens when I go on vacation or am temporarily unable to do the job?**

You must provide DSHS with a back-up contact for vacation coverage, while doing other business for a few days, or in case of emergency. The back-up Protective Payee needs to be familiar with the contract, this handbook, all procedures, and records needed to conduct the work, perform your duties, and have passed the criminal background check. You must notify DSHS if you are going to require more than one month of back up. This plan must be updated yearly by June 30<sup>th</sup> or as changes take place.

## **Section 2.11**

### **When are Criminal Background checks done?**

Criminal background checks are done every year by June 30 or when new staff are hired. Everyone who has contact with the individuals must submit and pass the criminal background check. You and your staff are to complete the **DSHS 09-891** and submit it to the regional staff for processing.

## **Chapter 3**

### **Working with Individuals**

#### **Section 3.1**

##### **How are individuals referred to me?**

If you have eJAS access, WorkFirst individuals are referred through eJAS by DSHS using an automated e-message. You will receive a paper referral for GA and WCCC cases. If you do not have access to the eJAS system, DSHS will use another form of communication with you, such as fax or mail.

If you accept the referral, with or without eJAS access, you will also receive two DSHS forms. They are the:

- 1) Protective Payee-Assessment (DSHS 14-349); and the
- 2) Protective Payee Payment Plan, Case Assignment, And Closure Notice (DSHS 14--426).

You must accept or reject the referral and notify DSHS within three business days of receiving the two DSHS forms. DSHS must be able to communicate with you within one business day.

Individuals can be transferred from one Protective Payee to another Protective Payee. The CSO workers may take this action at the request of the Protective Payee, the individual or as determined by DSHS. DSHS will notify you of a change using the Protective Payee Payment Plan, Case Assignment, And Closure Notice (DSHS 14-426) form, as soon as possible.

If a non-English speaking individual is referred to you, you will need to work with the CSO to arrange for interpreter services when needed.

When a Necessary Supplemental Accommodations (NSA) individual is referred, the CSO worker is responsible to notify and work with you to ensure you meet the individual's needs. These individuals may need your help to complete paperwork or to obtain information due to difficulties with reading, writing, hearing, verbal comprehension, mental orientation, drug/alcoholism, or physical impairments. DSHS will contact you directly and let you know the particular accommodations that are appropriate on the case.

#### **Section 3.2**

## **What payments do I make and what activities should I do?**

DSHS will provide instructions (Protective Payee Payment Plan, Case Assignment, And Closure Notice (DSHS 14-426) for each individual referred to you. This plan will state what payments you will make on behalf of the individual. If you are unable to make payments as required on the protective payee plan, you must notify DSHS within one business day any time you are unable to make a required payment.

Protective Payee Plans can be modified. Frequently Protective Payees identify issues that prevent individuals from becoming self reliant, for example: old traffic tickets which prevent getting a driver's license, lack of insurance, and lack of stable housing. You should request changes to a Protective Payee Plan if a need is not identified in the plan and funds can be made available to pay it. If the DSHS worker agrees with the change, the worker will revise the Protective Payee Plan and provide a copy to you and the individual within one business day.

**The Protective Payee Plan is not modified if it is a one-time payment request, but CSO approval must be obtained, and the approval noted in eJAS or the case file.**

## **Section 3.3**

### **What types of Referrals will I get?**

Below is a list of the types of referrals you may receive.

#### **a) Mismanagement of funds (eJAS code PP if TANF and no code if GA)**

DSHS assigns a person to a protective payee because of mismanagement of funds based on law or with proof the individual is unable to manage her/his cash benefits.

#### **b) Pregnant or Parenting Teens (eJAS code PP)**

DSHS assigns a Protective Payee if the pregnant or parenting minor individuals meets all the following:

- i. Head of household;
- ii. Under age 18;
- iii. Unmarried, and,
- iv. Pregnant or have a dependent child.

**c) Working Connections Child Care (WCCC) (no eJAS)**

DSHS assigns a Protective Payee when the TANF individual is not regularly paying the co-payment to the child care provider. In this case, you pay the child care provider the co-pay amount from the TANF funds.

**d) Emergency or temporary situations where a child is left without a caretaker (eJAS code PP)**

DSHS assigns an emergency or temporary Protective Payee when a caretaker relative or adult acting in loco parentis is not available to take care of the financial needs of a child due to an emergency.

## **Section 3.4**

### **What do I teach in money management training?**

When instructed by DSHS, either you will provide money management training to the individual or refer the individual to a local money management training such as at the community college or local organization. It is still your responsibility to follow up with the trainer to confirm the progress of the referred individual.

Money management training is documented on the Protective Payee Periodic Social Services Report (DSHS 01-110A). You must have a written training plan for money management.

The goal of the mandatory training is for individuals to understand what money they have and what bills should take priority. If the individual has a bank

account, have them bring in their statements, review them with the individual to ensure they know how to read the statement, and balance the account.

Many individuals do not have bank accounts, making it difficult for them to cash checks and do banking transactions. Knowing how to get, maintain, and balance a checking/debit card account is one goal of money management training.

Training should progressively recognize an individual's increasing level of ability and responsibility, e.g. give them checks to mail or deliver as they show an understanding of the importance of paying bills on time.

## Chapter 4

### DSHS Monitoring

#### Section 4.1

##### Is my contract monitored by DSHS?

DSHS staff will monitor your contract twice a year, at six-month intervals. The first visit occurring within the first six months and the second is completed no later than the 12<sup>th</sup> month following the contract's start date. Monitoring includes on-site visits to review fiscal records, case records, and reports to ensure compliance with the conditions of the contract. Monitoring reports are provided to the Division of Management, Resources, and Services (DMRS), to the local CSO Administrator, the Protective Payee, and the Division of Employment and Assistance Programs (DEAP). Your records must be available for review by DSHS at any time. [If potential issues with contract compliance are identified, the result will be an assignment for corrective action, suspension or termination of the contract. DSHS retains the right to monitor more frequently than the 6-month intervals.](#)

If your contract ends, there will be a monitoring visit within 60 days of the closing date.

# Chapter 5

## Glossary, Forms and WAC

### Section 5.1

#### Glossary

Basic Food Assistance Basic Needs	Formally known as food stamps. Public assistance is intended to help provide (but not limited to) housing, utilities, clothing, and food. Other items, such as diapers for a baby, can be added on a case-by-case basis.
Case Manager/Worker	A DSHS employee with experience in administering public assistance to individuals. The case manager acts as a coordinator of services.
Closing month	Closing month service is the month after distribution of the last check.
CSO	Community Services Office
DSHS	Department of Social and Health Services
eJAS	Electronic web based system used to send referrals for WorkFirst individuals and for the Protective Payee to accept those referrals. Also contains individual information available to the Payee.
GA	General Assistance: A state funded public assistance program for people who are temporarily disabled and unable to work.
NSA	Necessary Supplemental Accommodations: Some individuals have special needs that make them unable to respond to usual communication and instructions. These individuals may need additional reminders or an alternative means for providing information.
SFA	State Family Assistance - A state funded assistance program that provides comparable benefits to TANF. Individuals who



were not eligible for TANF due to changes in citizenship criteria may be eligible for this program.

Social Worker	A DSHS employee with education and experience in complex social issues. Social Workers are assigned to difficult and complex cases, such as those with special needs and teen parents. In general the social worker in the CSO will determine if a Protective Payee is assigned based on available information.
SSA	The Social Security Administration (SSA) is a federal agency responsible for administering the Social Security Act. It includes such programs as Social Security Retirement, Social Security Disability, and Supplemental Security Income (SSI).
SSPS	The Social Service Payment System is used to make WCCC payments.
TANF	Temporary Assistance to Needy Families. The federal program for families with children in need.
WCCC	Working Connections Child Care (WCCC): A childcare assistance program for low-income families.
WorkFirst	Washington's TANF/SFA program moves people into employment and away from state cash assistance.
WFPS	WorkFirst Program Specialist – the case manager responsible to manage the WorkFirst requirements with the individual.

## Section 5.2

### Forms

**Protective Payee forms are available on the DSHS Forms and Records Management Services Web Site. The link is provided below:**

<http://asd.dshs.wa.gov/FRMS>

DSHS 01 - 110	Protective Payee Report
DSHS 01 - 110A	Protective Payee Periodic Social Services Report
DSHS 01 - 110C	Protective Payee Report Continuation
DSHS 01 - 210	Transmittal of Client Funds from the Protective Payee
DSHS 09 – 842	Referral to AAG to Petition for Limited Guardianship
DSHS 09 - 891	Background Inquiry Application Form
DSHS 14 – 349	Protective Payee Assessments
DSHS 14 - 426	Protective Payee Payment Plan, Case Assignment, And Closure Notice

## Section 5.3

### WAC (Washington Administrative Code)

#### **WAC 388-460-0001 Who may be issued cash, child care, medical and food assistance benefits?**

(1) Cash and child care assistance may be issued in the name of the following persons:

- (a) A client who is the recipient of the benefits;
- (b) An ineligible parent or other relative getting benefits on behalf of an eligible child;
- (c) A person, facility, organization, institution or agency acting as a protective payee or representative payee for a client;
- (d) A guardian or agent acting on behalf of a client; or
- (e) A vendor of goods or services supplied to an eligible client.

(2) When medical coverage accompanies cash assistance, the medical identification (MAID) card for the assistance unit members is issued in the name of the person listed as payee for the cash benefit.

(3) For other medical assistance units, the MAID card is issued to the person named as the head of the assistance unit.

(4) Food assistance benefits are issued to the person named as the head of the food assistance unit.

[Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050. 02-14-083, § 388-460-0001, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. 98-16-044, § 388-460-0001, filed 7/31/98, effective 9/1/98.]

**WAC 388-460-0020 Who is a protective payee?** (1) A protective payee is a person or an employee of an agency who manages client cash benefits to provide for basic needs - housing, utilities, clothing, child care, and food. They may also provide services such as training client how to manage money.

(2) Clients are assigned to protective payees for the following reasons:

(a) Emergency or temporary situations where a child is left without a caretaker (TANF/SFA) per WAC 388-460-0030;

(b) Mismanagement of money (TANF/SFA, GA, or WCCC) per WAC 388-460-0035;

(c) Pregnant or parenting minors per WAC 388-460-0040.

[Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050 . 02-14-083, § 388-460-0020, filed 6/28/02, effective 7/1/02.]

**WAC 388-460-0025 Who can be a protective payee?** (1) Clients may ask for a particular protective payee, but the department makes the final choice.

(2) Protective payees must contract with the department, except for employees of the department who are assigned this function as part of their job duties.

(3) The contracted protective payee and their staff must pass a criminal background check according to the criteria in WAC 388-06-0170, 388-06-0180 and 388-06-0190.

(4) A departmental employee acting as a protective payee must pass a criminal background check and cannot:

- (a) Have the client in their caseload,
  - (b) Have the client in the caseloads of other employees under their supervision,
  - (c) Be responsible for determining or issuing benefits for the client,
  - (d) Be the office administrator, or
  - (e) Be a special investigator.
- (5) For TANF/SFA, a department employee cannot act as a protective payee when the department has legal custody or responsibility for placement and care of the child.  
 [Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050 . 02-14-083, § 388-460-0025, filed 6/28/02, effective 7/1/02.]

**WAC 388-460-0030 When is an emergency or temporary protective payee (TANF/SFA) used?** An emergency or temporary protective payee is assigned when a caretaker relative or adult acting in loco parentis per WAC 388-454-0005 is not available to take care of and supervise a child due to an emergency.  
 [Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050 . 02-14-083, § 388-460-0030, filed 6/28/02, effective 7/1/02.]

**WAC 388-460-0035 When is a protective payee assigned for mismanagement of funds?** (1) The decision to assign a person to a protective payee because of mismanagement of funds must be based on law or with proof the client is unable to manage their cash benefits. The proof must be current and show how this threatens the well being of a child or client on TANF/SFA, GA or WCCC. Examples of proof are:

- (a) Department employees or others observe that the client or client's children are hungry, ill, or not adequately clothed;
- (b) Repeated requests from the client for extra money for basic essentials such as food, utilities, clothing, and housing;
- (c) A series of evictions or utility shut off notices within the last twelve months;
- (d) Medical or psychological evaluations showing an inability to handle money;
- (e) Persons having had an ADATSA assessment and who are participating in ADATSA-funded chemical dependency treatment;
- (f) Not paying an in home child care provider for services when payment has been issued to the client by the department for that purpose;
- (g) A complaint from businesses showing a pattern of failure to pay bills or rent;
- (h) Using public assistance electronic benefits transfer (EBT) card or cash obtained through EBT to purchase or pay for lottery tickets, pari-mutuel wagering, or any of the activities authorized under chapter 9.46 RCW.

(2) A lack of money or a temporary shortage of money because of an emergency does not constitute mismanagement.

(3) When a client has a history of mismanaging money, benefits can be paid through a protective payee or directly to a vendor.  
 [Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050 . 02-14-083, § 388-460-0035, filed 6/28/02, effective 7/1/02.]

**WAC 388-460-0040 When is a protective payee assigned to TANF/SFA pregnant or parenting minors?** Pregnant or parenting minors who are not emancipated under court order must be assigned to protective payees if the clients are:

- (1) Head of a household;
- (2) Under age eighteen;

(3) Unmarried; and

(4) Pregnant or have a dependent child.

[Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050 . 02-14-083, § 388-460-0040, filed 6/28/02, effective 7/1/02.]

**WAC 388-460-0050 When is a client transferred from a protective payee to guardianship?** (1) In emergency cases where a person is physically or mentally unable to manage their own funds, the client is referred to other divisions of the department for full care, including guardianship.

(2) In cases where a child is eligible for TANF/SFA and the caretaker relative does not use the benefits for adequate care of the child, the case can be referred to the attorney general to establish a limited guardianship.

(3) Guardianships are used only if it appears there is a need for services that are expected to last longer than two years.

(4) These guardianships are limited to management of DSHS benefits.

(5) The protective payee plan is changed if a guardian is appointed. The guardian is designated as the payee.

[Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050 . 02-14-083, § 388-460-0050, filed 6/28/02, effective 7/1/02.]

**WAC 388-460-0055 What are the protective payee's responsibilities?** The protective payee's responsibilities are to:

(1) Manage client cash and child care assistance benefits to pay bills for basic needs, such as housing and utilities, or as directed in the protective payee plans;

(2) Provide money management for client if this item is included in the protective payee plans; and

(4) Provide reports to the department on client progress.

[Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050 . 02-14-083, § 388-460-0055, filed 6/28/02, effective 7/1/02.]

**WAC 388-460-0060 When are protective payee plans done?** A protective payee plan may be developed when a case is assigned to a protective payee.

(1) A copy of the plan is provided to the protective payee and the client.

(2) All cases must be reviewed:

(a) After an initial three-month period; and

(b) At least every six months beyond the initial period for on going cases.

(3) Reviews include evaluation of:

(a) The need for the client to continue in protective payee status; or

(b) The need to change the plan; or

(c) The client's potential to assume control of their funds (or be removed from protective payee status); and

(d) Protective payee performance.

[Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050 . 02-14-083, § 388-460-0060, filed 6/28/02, effective 7/1/02.]

**WAC 388-460-0065 When is the protective payee status ended and how is a protective payee changed?** A client may be removed from a protective payee status

when a:

- (1) Protective payee requests the client be reassigned;
- (2) The department assigns a different protective payee; or
- (3) Protective payee is no longer required.

[Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050 . 02-14-083, § 388-460-0065, filed 6/28/02, effective 7/1/02.]

**WAC 388-460-0070 What are your fair hearing rights regarding protective payment?** You have the right for a fair hearing if you disagree with the department's decision to:

- (1) Assign payment of benefits through a protective payee,
- (2) Continue the assignment,
- (3) Change the protective payee selected for you, or
- (4) Change the contents of your protective payee plan.

[Statutory Authority: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050 . 02-14-083, § 388-460-0070, filed 6/28/02, effective 7/1/02.]